

**FINDING OF EMERGENCY
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION

REGARDING THE CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

The adoption of these regulations or order of repeal is necessary for the immediate preservation of the public peace, health and safety, or general welfare, as follows:

Due to recent nationalizing of model building codes by the National Fire Protection Association (NFPA) and the International Code Council (ICC), California is required to choose a different model building code upon which to base its state building code. The current model code, published by the International Conference of Building Officials (ICBO) that is used as a basis for the California Building Code is the 1997 Uniform Building Code. The new model codes being considered are the NFPA 5000 Building Code, as published by NFPA, and the 2003 International Building Code as published by the ICC. Given the need to thoroughly review, develop a factual justification for choosing a particular model building code, and ensure that the chosen model building code is in the best interest of the citizens of California, the time taken to review, choose and adopt a brand new model building code will substantially exceed the time normally taken to adopt a model building code. The extended review and adoption time has caused the current California Building Code to be out of step in its reference standards and engineering principles with the more current model building codes.

The California Building Standards Commission is proposing to adopt those building standards that are viewed to be the most critically needed updates to ensure public safety in the buildings it has the authority to regulate. These standards will also serve as a template for local municipalities to adopt as local modifications, thus providing for a uniform level of public safety. The California Building Standards Commission finds that:

1. Recent major earthquakes have proven that there are shortcomings in the current standards;
2. The current published standards don't include major advancements in the field of seismic design;
3. Approval of the proposed standards will provide for higher public safety in the event of a large earthquake; and
4. The proposed standards will significantly reduce loss of life and economic hardship after a major quake.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 18934.5.

INFORMATIVE DIGEST

Summary of Existing Laws

California Building Standards Law (Health and Safety Code Section 18900 – 18949.6) establishes the California Building Standards Commission to oversee the adoption and publications of building standards for state regulated occupancies in California. Further, existing law requires any state agency that proposes and/or adopts a building standard to submit the building standard to the Commission for approval and publication in the California Building Standards Code. Specifically pertaining to this regulatory action, Health and Safety Code section 18934.5, authorizes the Commission to adopt building standards providing the minimum standards for the design and construction of state-owned buildings, buildings constructed by the Regents of the University of California to the extent permitted by law, and buildings constructed by the Chancellors of the State University, where no other state agency has the authority.

Summary of Existing Regulations

Existing regulations pertaining to this regulatory action are contained in the 2001 California Building Code (California Code of Regulations, Title 24, Part 2), which is based upon the 1997 Uniform Building Code of the International Conference of Building Officials. The regulations being modified by this action are contained in Chapters 16, 17, 19, 22, and 23. Chapter 16 contains the structural design requirements; Chapter 17 contains structural testing and inspection requirements; Chapter 19 contains the concrete standards; Chapter 22 contains the steel construction standards; and Chapter 23 contains the wood construction standards.

Summary of Effect

This regulatory action makes some of the more critically needed updates to California standards. These update are currently accepted, nationally recognized standards and engineering principles, which have been determined to be lacking in the California Building Code.

Comparable Federal Statute or Regulations

FEMA: Federal Emergency Management Agency standards.

NEHRP – National Earthquake Hazard Reduction Program standards

Small Business Affect

This regulatory action may or may not have an affect on small businesses, as the standards contained in building codes offer designers and owners optional construction techniques and materials. Also the size and design of a building has a bearing upon the affect, which is controlled by the designer and owner.

MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to this proposed action.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The California Building Standards Commission has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

This enactment of standards is no different than adoption of a new cycle of codes. These standards are not different from what most states enforce in the United States. This is an improvement in standards that will provide greater structural safety in active seismic regions. These will apply only to state-owned buildings, buildings constructed by the Regents of the University of California to the extent permitted by law, and buildings constructed by the Chancellors of the State University.

FISCAL IMPACT STATEMENT(attached Form 399)

- A. Cost or Savings to any state agency: Per Health and Safety Code Section 18928, the Commission is required to adopt the most recent edition of national model building codes. This adoption is in response to that legislative mandate.

The standards are intended to promote public safety and reduce structural damage caused by lateral forces, i.e., in an earthquake. The application of these building standards provides designers and owners with options when designing and constructing new buildings or remodeling existing buildings.

There is both a potential cost to complying with the updated structural standards and a savings due to reduction in structural damage to large and tall buildings, depending upon the options taken, in addition to saving lives. Estimates of the cost or savings of this regulatory action to any state agency cannot be determined because of the variables involved, such as size of the buildings, design options used, occupancy, and magnitude of the lateral forces. However, as stated above, the Commission is legislatively mandated to adopt the most recent edition of model building codes and the costs are not considered to be exorbitant.

- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**